

**MEDICAL EXAMINING BOARD
MEETING MINUTES
September 16, 2015**

PRESENT: Mary Jo Capodice, D.O.; Greg Collins; Rodney Erickson, M.D.; Suresh Misra, M.D. (*via phone – arrived at 9:08 a.m./excused at 9:19 a.m.*); Carolyn Ogland Vukich, M.D.; Michael Phillips, M.D.; David Roelke, M.D.; Kenneth Simons, M.D.; John Tripoli; Sridhar Vasudevan, M.D.; Timothy Westlake, M.D.; Russell Yale, M.D. (*excused at 11:27 a.m.*); Robert Zondag

STAFF: Tom Ryan, Executive Director; Kimberly Wood, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of twelve (12) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- After Item K. (Open Session) **ADD:** Annual Report Matters – DLSC Annual Report 1/1/14-12/31/14
- Item V.1. (Closed Session) **CORRECT:** case closing number from 13 MED 103 to 13 MED 417

MOTION: Robert Zondag moved, seconded by Sridhar Vasudevan, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes:

- **Page 1 of the Minutes:** Change date on Minutes to ‘August 19, 2015’
- **Page 5 of the Minutes:** Under the sub-header ‘Review for Visiting Physician Licensure – Raphael Sacho, M.D.’, correct the recusal language as follows:
 - ‘(Kenneth Simons recused himself and left the~~m~~...’
- **Page 5 of the Minutes:** Under the sub-header ‘Sarika Pamarthy, M.D.’, correct the recusal language as follows:
 - ‘(Kenneth Simons recused himself and left the~~m~~...’

MOTION: Greg Collins moved, seconded by Robert Zondag, to approve the minutes of August 19, 2015 as amended. Motion carried unanimously.

ORAL INTERVIEW DELEGATION MOTION

MOTION: Sridhar Vasudevan moved, seconded by Michael Phillips, to delegate to two professional Board Members the ability to conduct oral interviews and, if necessary, recommend a full Board oral interview. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Opioid Prescribing – Board Discussion

- MOTION:** Timothy Westlake moved, seconded by Sridhar Vasudevan, to request DSPS staff draft a Scope Statement relating to Opioid Prescribing CME and to authorize the Chair to approve the scope statement for submission to the Governor's Office and for implementation. Motion carried unanimously.
- MOTION:** Rodney Erickson moved, seconded by Russell Yale, to create a controlled substances committee to address prescription usage. Motion carried unanimously.
- MOTION:** Robert Zondag moved, seconded by Greg Collins, to affirm the appointment of Mary Jo Capodice, Rodney Erickson, Carolyn Ogland, Timothy Westlake, and Sridhar Vasudevan to the Controlled Substances Committee. Motion carried unanimously.

Update**Med 23 – Telemedicine**

- MOTION:** Michael Phillips moved, seconded by Greg Collins, to designate Kenneth Simons to serve as liaison to DSPS staff for drafting Med 23, relating to Telemedicine. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS**Consider MEB Recommendations for Nominations for 2016 FSMB Board of Directors and Nominating Committee Elections, and for the Following Appointments by the Incoming FSMB Chair: Audit, Bylaws, Editorial, Education, Ethics and Professionalism, Finance, and Potentially to FSMB Special Committees and Workgroups**

- MOTION:** Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to recommend Robert Zondag for consideration as a member of the FSMB Ethics and Professionalism Committee. Motion carried unanimously.

(Suresh Misra connected at 9:08 a.m.)

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

- MOTION:** Sridhar Vasudevan moved, seconded by David Roelke, to grant Timothy Westlake the ability to speak on behalf of the Board regarding issues pertaining to opioids. Motion carried unanimously.

Consider Attendance at the Citizen Advocacy Center 2015 Annual Meeting – Washington, D.C. – November 12-13, 2015

- MOTION:** Sridhar Vasudevan moved, seconded by Robert Zondag, to designate John Tripoli to attend the Citizen Advocacy Center 2015 Annual Meeting on November 12-13, 2015 in Washington, D.C. and to authorize travel. Motion carried unanimously.

ANNUAL REPORT MATTERS**DLSC Annual Report 1/1/14-12/31/14**

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to approve the 2014 Medical Examining Board Annual Report as amended. Motion carried unanimously.

(Suresh Misra disconnected at 9:19 a.m.)

CLOSED SESSION

MOTION: Michael Phillips moved, seconded by Sridhar Vasudevan, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice-yes; Greg Collins-yes; Rodney Erickson-yes; Carolyn Ogland Vukich-yes; Michael Phillips-yes; David Roelke-yes; Kenneth Simons-yes; John Tripoli-yes; Sridhar Vasudevan-yes; Timothy Westlake-yes; Russell Yale-yes and Robert Zondag-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:20 a.m.

RECONVENE TO OPEN SESSION

MOTION: Sridhar Vasudevan moved, seconded by David Roelke, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 11:53 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

REVIEW OF ADMINISTRATIVE WARNING(S)

9:30 A.M. APPEARANCE – R.P.M. (WARN00000364) (DLSC case number 15 MED 096)

MOTION: Sridhar Vasudevan moved, to rescind the Administrative Warning in the matter of DLSC case number 15 MED 096 (R.P.M.). Motion failed for lack of a second.

MOTION: Russell Yale moved, seconded by Mary Jo Capodice, to affirm the Administrative Warning in the matter of DLSC case number 15 MED 096 (R.P.M.). Motion carried. Opposed: Sridhar Vasudevan

(Drs. Roelke, Simons, and Phillips recused themselves and left the room for deliberation, and voting in the matter concerning, R.P.M. (WARN00000364) (DLSC case number 15 MED 096).)

DELIBERATION ON COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

13 MED 224 – Scott D. Jenkins, M.D.

MOTION: Mary Jo Capodice moved, seconded by Carolyn Ogland, to find probable cause to believe that Scott D. Jenkins, M.D., DLSC case number 13 MED 224, has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

(Rodney Erickson recused himself and left the room for deliberation, and voting in the matter concerning, Scott D. Jenkins, M.D.; Respondent – DLSC case number 13 MED 224.)

13 MED 501 – Ricardo R. Sinense, M.D.

MOTION: Carolyn Ogland moved, seconded by Greg Collins, to find probable cause to believe that Ricardo R. Sinense, M.D., DLSC case number 13 MED 501, has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

(Kenneth Simons recused himself and left the room for deliberation, and voting in the matter concerning, Ricardo R. Sinense, M.D.; Respondent – DLSC case number 13 MED 501.)

14 MED 104 – Robert J. Defatta, M.D.

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to find probable cause to believe that Robert J. Defatta, M.D., DLSC case number 14 MED 104, has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

(Russell Yale recused himself and left the room for deliberation, and voting in the matter concerning, Robert J. Defatta; Respondent – DLSC case number 14 MED 104.)

15 MED 308 – Ricardo R. Sinense, M.D.

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, to find probable cause to believe that Ricardo R. Sinense, M.D., DLSC case number 15 MED 308, has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. § 448.02(3)(b). Motion carried.

(Kenneth Simons and Rodney Erickson recused themselves and left the room for deliberation, and voting in the matter concerning, Ricardo R. Sinense, M.D.; Respondent – DLSC case number 15 MED 308.)

DELIBERATION ON ADMINISTRATIVE WARNINGS**13 MED 265 – J.A.S.**

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC case number 13 MED 265 (J.A.S.). Motion carried unanimously.

14 MED 005 – S.K.M.

MOTION: Michael Phillips moved, seconded by Sridhar Vasudevan, to issue an Administrative Warning in the matter of DLSC case number 14 MED 005 (S.K.M.). Motion carried.

(Kenneth Simons recused himself and left the room for deliberation, and voting in the matter concerning, S.K.M. – DLCS case number 14 MED 005.)

14 MED 022 – J.E.D.

MOTION: Greg Collins moved, seconded by Robert Zondag, to issue an Administrative Warning in the matter of DLSC case number 14 MED 022 (J.E.D.). Motion carried unanimously.

14 MED 038 – A.D.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to issue an Administrative Warning in the matter of DLSC case number 14 MED 038 (A.D.). Motion carried unanimously.

14 MED 186 – C.R.C.

MOTION: Timothy Westlake moved, seconded by Michael Phillips, to issue an Administrative Warning in the matter of DLSC case number 14 MED 186 (C.R.C.). Motion carried.

(Rodney Erickson recused himself and left the room for deliberation, and voting in the matter concerning, C.R.C. – DLCS case number 14 MED 186.)

15 MED 226 – J.R.K.

MOTION: Mary Jo Capodice moved, seconded by Michael Phillips, not to issue an Administrative Warning in the matter of DLSC case number 15 MED 226 (J.R.K.). Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS BY
THE DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)**

13 MED 385 – Barbara J. O’Connell, M.D.

MOTION: Greg Collins moved, seconded by Michael Phillips, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Barbara J. O’Connell, M.D., DLSC case number 13 MED 385. Motion carried unanimously.

14 MED 449 – Farzaneh Masool Tondkar, M.D.

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Farzaneh Masool Tondkar, M.D., DLSC case number 14 MED 449. Motion carried unanimously.

14 MED 513 – William D. Wacker, M.D.

MOTION: Mary Jo Capodice moved, seconded by Russell Yale, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against William D. Wacker, M.D., DLSC case number 14 MED 513. Motion carried unanimously.

14 MED 578 – John H. Braxton, M.D.

MOTION: Rodney Erickson moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against John H. Braxton, M.D., DLSC case number 14 MED 578. Motion carried unanimously.

15 MED 142 – Ravi Murali, M.D.

MOTION: Timothy Westlake moved, seconded by David Roelke, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ravi Murali, M.D., DLSC case number 15 MED 142. Motion carried. Opposed: Sridhar Vasudevan

15 MED 170 – Phillip S. Yee, M.D.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Phillip S. Yee, M.D., DLSC case number 15 MED 170. Motion carried unanimously.

**DELIBERATION ON PROPOSED STIPULATIONS AND INTERIM ORDERS BY THE
DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC)**

15 MED 150 and 15 MED 151 – Troy D. Schrock, D.O.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to adopt the Interim Order in the matter of disciplinary proceedings against Troy D. Schrock, D.O., DLSC case numbers 15 MED 150 and 15 MED 151. Motion carried unanimously.

DELIBERATION ON CREDENTIALING MATTERS

Full Board Review – Sohail Imran Mohammad

MOTION: Sridhar Vasudevan moved, seconded by David Roelke, to table the application of Sohail Imran Mohammad, to a future meeting. Motion carried unanimously.

(Russell Yale was excused at 11:27 a.m.)

Application of My-My Huynh, M.D.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to table the application of My-My Huynh, M.D., to a future meeting. Motion carried unanimously.

**WAIVER OF THE 24 MONTHS OF ACGME APPROVED POST-GRADUATE TRAINING
BASED ON EDUCATION AND TRAINING**

10:00 A.M. APPEARANCE: Attorney Dan Icenogle and William Blanchard, M.D.

MOTION: Timothy Westlake moved, seconded by Russell Yale, to deny a waiver to the 24-month post-graduate training program accredited by the ACGME, to William Blanchard, M.D., per Wis. Stat. § 448.05(2)(c). Motion carried unanimously.

MOTION: Russell Yale moved, seconded by Sridhar Vasudevan, to find that the training and education of William Blanchard, M.D., is not substantially equivalent to the requirements set forth in Wis. Stat. § 448.05(2). Motion carried unanimously.

CASE CLOSING(S)

MOTION: Greg Collins moved, seconded by Sridhar Vasudevan, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 13 MED 417 – (F.X.D.) for No Violation
 2. 13 MED 265 – (P.J.R.) for No Violation
 3. 13 MED 304 – (J.E.R.) for No Violation
 4. 14 MED 007 – (S.N.K.) for Prosecutorial Discretion (P5)
 5. 14 MED 057 – (N.A.P.) for No Violation
 6. 14 MED 182 – (R.M.B.) for Prosecutorial Discretion (P1)
 7. 14 MED 199 – (A.U.) for No Violation
 8. 14 MED 273 – (A.P.A.) for Prosecutorial Discretion (P3)
 9. 14 MED 382 – (J.P.P.) for No Violation
 10. 14 MED 539 – (J.G.H.) for No Violation
 11. 14 MED 596 – (D.C.G.) for Prosecutorial Discretion (P4)
 12. 14 MED 613 – (W.T., V.B. and V.N.) for No Violation
 13. 15 MED 062 – (T.A.S.) for No Violation
 14. 15 MED 080 – (G.N.W.) for No Violation
 15. 15 MED 099 – (D.J.R.) for Insufficient Evidence
 16. 15 MED 191 – (M.P.L. and A.J.C.) for No Violation
 17. 15 MED 202 – (A.M.M.) for No Violation
- Motion carried unanimously.

14 MED 371 – J.E.G.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to close DLSC case number 14 MED 371, against J.E.G., for Insufficient Evidence. Motion carried.

(Carolyn Ogland recused herself and left the room for deliberation, and voting in the matter concerning J.E.G. – DLCS case number 14 MED 371.)

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION
OF LICENSES AND CERTIFICATES**

MOTION: David Roelke moved, seconded by Michael Phillips, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Robert Zondag, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:55 a.m.